



## Determination 2013/008<sup>1</sup>

### Regarding the refusal to issue an exemption under Schedule 1(k) for a proposed farm implement shed at 400 Brunskill Road, Whitehall, Cambridge

#### 1. The matter to be determined

1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004<sup>2</sup> (“the Act”) made under due authorisation by me, John Gardiner, Manager Determinations and Assurance, Ministry of Business, Innovation and Employment (“the Ministry”), for and on behalf of the Chief Executive of the Ministry.

1.2 The parties to the determination are:

- the building owner, G Pinnell (“the applicant”)
- Waipa District Council (“the authority”), carrying out its duties as a territorial authority or building consent authority.

1.3 This determination arises from the authority’s decision to refuse to issue an exemption from the requirement to obtain a building consent for the erection of a farm implement shed. The authority considers it has insufficient information to be satisfied that the proposed building work meets the criteria specified in paragraph 1(k) of Schedule 1 of the Act.

1.4 The matter to be determined<sup>3</sup> is therefore whether the authority correctly exercised its powers in refusing to issue an exemption under Paragraph 1(k) of Schedule 1.

1.5 In making my decision, I have considered the submissions of the parties and the other evidence in this matter.

#### 2. The proposed building work and background

2.1 The proposed building work consists of an outbuilding on a large rural site; described as a ‘pole frame implement shed’ with a floor area of approximately 80 square metres, ‘compris[ing] poles embedded in concrete, sawn timber rafters, purlins and girts, with corrugated iron roof and walls. It has 3 bays, and 3 sides enclosed with an eaves height of 3.6m.’

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<sup>1</sup> Subject to a clarification under section 189 of the Building Act 2004

<sup>2</sup> The Building Act, Building Code, compliance documents, past determinations and guidance documents issued by the Ministry are all available at [www.dbh.govt.nz](http://www.dbh.govt.nz) or by contacting the Ministry on 0800 242 243.

<sup>3</sup> Under sections 177(1)(b) and 177(3)(c) of the Act

## 2.2 The relevant legislation and guidance information

2.2.1 Section 17 of the Act states that all building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of that building work. Section 41 sets out those cases in which consent is not required and includes ‘any building work described in Schedule 1’.

2.2.2 Schedule 1 to the Act ‘Exempt Building Work’ lists work for which a building consent is not required. Schedule 1 includes the following item:

- (k) any other building work in respect of which the territorial authority (or as the case requires, the regional authority) considers that a building consent is not necessary for the purposes of this Act because the building work–
- (i) is unlikely to be carried out otherwise than in accordance with the building code; or
  - (ii) if carried out otherwise than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property:

2.2.3 The Ministry has published a guidance document<sup>4</sup> on exempt building work (“the guide”), which states:

The primary purpose of Schedule 1 is to exempt building work that is minor and low risk in nature and where the benefits of requiring a building consent do not exceed associated compliance costs.

2.2.4 The guide describes levels of building ‘importance’ set out in AS/NZS 1170<sup>5</sup>, with ‘level 1’ buildings presenting a ‘much lower than normal risk to life and property’. The guide says:

Examples of level 1 buildings in AS/NZS 1170 are:

- structures with a total floor area of less than 30 square metres
- farm buildings, isolated structures, towers in rural situations
- fences, masts and walls.

The guide considers these low-risk buildings are ‘appropriate in terms of what should be considered as qualifying for an exemption’ under Schedule 1(k).

## 2.3 The application for exemption from building consent

2.3.1 In a letter to the authority dated 6 September 2012, the applicant applied for an exemption to the requirement to obtain building consent under Schedule 1(k) for a ‘pole frame farm implement shed of approximately 80m<sup>2</sup> floor area’ to be ‘sited more than 200m from the nearest boundary and 150m from the nearest dwelling’. The applicant described his background as a structural engineer and experience with the design and construction of farm buildings and noted the primary purpose of Schedule 1 as stated in the Ministry’s guide and considered that:

<sup>4</sup> A guide to building work that does not require a building consent, dated December 2010

<sup>5</sup> AS/NZS 1170: Structural Design Actions – Part 0: 2002 General Principles

If [the authority] comes to the opposing view, it must logically be able to demonstrate that the societal benefits exceed compliance costs in this specific case, as opposed to the general case... Compliance costs include the consent cost, and the cost to the applicant of preparing the applications...

2.3.2 The authority declined the application for exemption in a letter to the applicant dated 25 September 2012, stating that the building work ‘does not meet the requirements [of a] Schedule 1 Exemption (k) and a Building Consent is required for the proposed work’. The authority stated (in summary) that:

- no plans or specifications were provided to demonstrate how the building would be constructed
- there is no way of assessing whether the work is likely to be code-compliant
- prior to an amendment of Schedule 1 in 2010<sup>6</sup>, further potential exemptions were proposed for discussion; including similar types of outbuildings which were not subsequently included in the amendments; such buildings were apparently considered to be more than a minor risk and therefore needed to be subject to the requirements of a building consent.

2.3.3 Subsequent email correspondence between the applicant, the authority and the Ministry included the following additional comments (in summary):

The applicant	The authority	The Ministry
Criteria for level 1 buildings in the standard and guide are alternatives, with one being floor area and another types of buildings.	The most fundamental risk relates to a building's footprint and its likelihood to put people at risk.	Examples of 'level 1' buildings in the guide should be read independently and not as a cumulative assessment.
Farm buildings are low-risk, with no recorded injuries and little damage to contents following storms and earthquakes.	Anything over 30m <sup>2</sup> floor area presents more than a minor risk and the proposed shed is 80m <sup>2</sup> .	A specific floor area cannot measure the risk level without considering a building's use. The guide does not preclude larger farm buildings.
Regulation costs should be less than benefits. Given the requirement for exempt work to be code compliant, the cost for this building is substantial and the benefits tenuous.	No information is supplied to show how the building will comply with the code.	An authority is entitled to make its own assessment of a particular proposal under Schedule 1(k).

2.4 Correspondence between the parties failed to resolve the dispute and the Ministry received an application for a determination on 5 October 2012.

<sup>6</sup> Building (Exempt Building Work) Order 2010

### 3. The submissions

3.1 The applicant made a submission in the form of a letter to the Ministry dated 2 October 2012, requesting a determination on whether the authority was reasonable to refuse to grant an exemption, and whether plans and specifications can be demanded. The applicant provided copies of correspondence with the authority and submitted the following as relevant (in summary):

- As a farm shed, the building is a level 1 building, with failure ‘not likely to endanger ... life’ and there are no ‘social or environmental consequences’.
- The applicant confirmed his past experience as a structural engineer studying farm building damage.
- Any economic consequences would be ‘small’, with no effects for other parties such as neighbouring properties.
- ‘The incentive to build below code standard is weak’ as little is saved in construction cost while ‘the risk and severity of damage is greatly increased’.
- The applicant holds a Bachelor of Engineering and is experienced in constructing pole framed buildings and had practised as a registered engineer specialising in rural structures.
- The risk and consequences of this building not complying with the Building Code are much less than the compliance costs of consent documentation and fees.

3.2 The authority acknowledged the application, but made no submission in response.

3.3 The Ministry sought further information from the applicant on the information provided to the authority, noting that while the guide describes a process that may be followed for work considered exempt it also states that the decision ‘is totally at the council’s discretion, based on the council’s own assessment of the risk of building work not being carried out in accordance with the Building Code or of endangering people or property.’ The Ministry explained that this means any proposed work needs to be described in sufficient detail for the authority to make that decision.

3.4 The applicant responded in an email dated 19 October 2012, stating he was aware of his legal duty to ensure the building work complies with the Building Code and noting the following:

- In granting exemption under Schedule 1(k), the authority only needs to consider one of the two alternatives provided in that paragraph (items (k)(i) and (k)(ii)).
- The determination should be able to favourably conclude on Schedule 1(k)(ii) alone, being the lack of consequences to any failure to comply with the Building Code.
- The lack of documentation is not a relevant consideration under Schedule 1(k)(ii), and to require such information would negate the primary purpose as described in the Ministry’s guide of exempting minor and low risk work where compliance costs exceed benefits of a building consent.

- Although a preliminary design was prepared; this was not yet finalised and some details are not yet resolved as additional detail design work is dependent on an exemption being granted.
- ‘While [the applicant had] undertaken a preliminary design, [the applicant had] not finalised it and sorted all the details’. This work would only be done ‘once ... an exemption has been granted, so as to avoid unnecessary work.’

3.5 On 25 October the Ministry responded to the applicant as to whether the likelihood of exempt building work complying with the Building Code needed to be demonstrated to the authority. The Ministry noted that:

- section 17 of the Act states that all work must comply with the Building Code to the extent required by the Act. Items (k)(i) and (k)(ii) must be read together, saying:

... (k)(i) applies where the [authority] considers the work is unlikely not to comply with the Building Code. Item (k)(ii) applies where [the authority] still has some basis for believing the work will comply with the Building Code although the grounds for that belief may be a little less than under (k)(i). This is because under (k)(ii) the work may be exempt on the basis that even if it doesn't comply it won't harm people or other buildings.

- the authority was entitled to seek sufficient information to provide grounds for its decision that work exempt under (k)(ii) will comply with the Building Code
- it would defeat the purpose of Schedule 1 for an authority to require documentation appropriate for a building consent, but it is reasonable to expect the work to be described in sufficient detail for the authority to assess the proposal against the guide.

3.6 The applicant responded on 25 October 2012; noting that, although he was not convinced as to the Ministry's interpretation, he would ‘not continue to press’ his own interpretation. In response to a request for some guidance on the information likely to be required, the Ministry noted that ‘outline plans, elevations etc, including some details’ should be sufficient for the authority to assess the proposal.

3.7 On 30 October 2012, the applicant asked the authority whether it was ‘prepared to reconsider’ granting an exemption and, if so, what information and level of detail would be required.

3.8 The authority responded on 8 November 2012, stating that it was ‘not prepared to reconsider granting the exemption’ and confirming its previous advice that ‘the provision of plans would not have changed [the authority's] decision.’ The authority maintained that ‘full construction drawings and a site plan’ were required.

3.9 A draft determination was issued to the parties for comment on 20 November 2012. That draft confirmed the authority's decision and concluded that there was insufficient information to confirm that if the building work was carried out otherwise than in accordance with the Building Code it was unlikely to endanger people or any building, whether on the same land or on other property. The draft commented that the provision of ‘outline documentation’, not of the level expected for a building consent but that would include such as site plans, elevations, typical

sections and some typical construction details, would be sufficient for the authority to assess the proposal under Schedule 1(k).

3.10 The applicant did not accept the draft determination and responded in a submission dated 3 December 2012, noting:

- the Ministry's interpretation that item (k)(ii) applies where the authority still has some basis for believing the work will comply with the Building Code although the grounds for that belief may be a little less than under (k)(i) contradicts the legal wording of (k)(ii) that presupposes the work is carried out otherwise in accordance with the Building Code
- items (k)(i) and (k)(ii) are linked by the word "or", therefore are independent grounds for granting exemption. Under item (k)(ii), [the applicant] therefore only need to demonstrate the low risk of the building work in the event that it is substandard. Relevant factors for a (k)(ii) exemption are therefore limited to location, proximity and level of building importance, whereas relevant factors for a (k)(i) exemption are prior experience, complexity in relation to competence and independent quality assurance systems
- there is sufficient information to allow assessment of the application. Any greater detail would begin to specify matters of code compliance, in particular, structural adequacy. It would defeat the purpose of the exemption for the authority to check such compliance. Furthermore, code compliance under (k)(ii) is an irrelevant consideration as it is based on the presumption that the work is substandard, in spite of the Act requiring exempt work to be code compliant).

3.11 The authority did not accept the draft determination and responded in a submission dated 12 December 2012, noting:

- the application for an exemption was for an implement shed not a farm storage shed or farm outbuilding, which is a critical point in assessing the risk of the building
- the authority agrees that specific floor area alone cannot be used to measure the level of risk without considering the building's use. Floor area and building use were taken into account in the authority's decision and farm implement sheds are also commonly used as maintenance workshops for farm machinery and farm employees therefore use these buildings as a place of work
- the granting of an exemption is at the discretion of the authority, rather than in compliance with set criteria, and accordingly open to the authority to determine the relevant factors and the weighting given to these factors
- the authority disagrees with the Ministry's interpretation of paragraph (k) of Schedule 1. The clauses are disjunctive, and should be assessed separately. An applicant need only to comply with one of the clauses to pass the test as an exempt building
- under paragraph (k)(i), the authority could not be satisfied on reasonable grounds that the building work would not be carried out otherwise than in accordance with the Building Code as the only details provided by the applicant were 'pole frame implement shed of approximately 80m<sup>2</sup> floor area

and cost \$10,000' and there is no basis to consider that the proposed building work would be likely to be code-compliant

- under paragraph (k)(ii), the authority considered that the use of the building posed a sufficient level of risk that the building work needed to be carried out under a building consent
- the level of 'outline documentation' described in the draft would be insufficient for the authority to make an assessment on reasonable grounds as to compliance with the Building Code; the level of assessment required is no less than that required for building consent.

3.12 Following the issue of the determination on 20 February 2013, the applicant sought a clarification under section 189 of the Act on 20 March 2013. In the request for clarification, the applicant sought:

- A clarification of paragraph 4.2.4, adding at the commencement of the sentence 'In the event that the applicant does not stipulate that the exemption is to be considered under [Schedule 1](k)(i) or (ii),...' The applicant is of the view that this clarification makes the determination consistent with the net benefit purpose of Schedule 1 exemptions, as explained in the Ministry's guidance document, and if an owner requests an exemption under Schedule 1(k)(i) or (ii) owners should not have to incur the significant compliance burden of the other limb, as there is no commensurate value in providing that information because of the narrowness of the application.
- A clarification of paragraph 4.2.10, changing 'site plans' to plans of the building work; for the third relevant factor (third row). It is not correct to say site plans, as a site plan is a means of complying with the second relevant factor and a plan of the building work assists in assessing the third relevant factor.
- A clarification of paragraph 4.2.15 and the table in paragraph 4.2.10, changing 'member sizes and typical construction details' with 'construction materials'. This change provides delineation with the sentence in paragraph 4.2.15 that follows. As it stands, the authority can demand from the requirements of this sentence, the same level of information as required to support an application for building consent. A plan, elevation, typical sections and construction materials are sufficient to assess endangerment in the event that the structure is substandard. Member sizes and construction details are not relevant matters, as they relate to the likelihood of the structure being substandard and instead are matters for building consent.

3.13 I proposed to clarify the determination in accordance with section 189 of the Act and I amended the determination to address these issues in the relevant paragraphs listed in paragraph 3.12. With respect to the clarification of paragraph 4.2.15 and the table in paragraph 4.2.10; I have amended the 'member sizes and typical construction details' to read 'critical member sizes and critical construction details, if any'. I continue to hold the view as I expressed in the determination that the likely harm to persons will vary considerably according to the construction methods and materials used in the building work for the implement shed, and therefore some basic information is required. Some buildings may have critical member sizes and construction details that are necessary to making a decision.

3.14 I provided a draft of the clarified determination to the parties for comment on 27 March 2013.

3.15 On 2 April 2013, both parties responded, noting their agreement with the draft clarified determination.

## **4. Discussion**

### **4.1 General**

4.1.1 Exemptions under Schedule 1 recognise that minor and low-risk building work should not be subject to the requirements of the building consent process.

4.1.2 The exemption covered by Schedule 1(k) allows an authority to exempt proposed building work as follows:

A building consent is not required for the following building work:

- (k) any other building work in respect of which the territorial authority (or, as the case requires, the regional authority) considers that a building consent is not necessary for the purposes of this Act because that building work—
  - (i) is unlikely to be carried out otherwise than in accordance with the building code; or
  - (ii) if carried out otherwise than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property.

4.1.3 The authority has refused to issue an exemption for the proposed farm outbuilding because it considers it has insufficient information to assess whether the work is likely to meet the requirements of the Building Code. It also considers that the building's proposed size and use is such that cannot be assessed as being of low risk and therefore requires 'full construction drawings and a site plan' to provide it with sufficient information.

4.1.4 The applicant maintains that:

- the location and type of building proposed, together with his engineering background and experience of such construction, meets the requirements of Schedule 1(k)
- the authority is unreasonable in its demand for full documentation for the proposed work for the purposes of considering an exemption under paragraph 1(k)(i) of Schedule 1
- the proposed building work is able to be considered exempt under paragraph 1(k)(ii) as failure is not likely to endanger life or affect neighbouring properties.

### **4.2 Assessment for exemption under Schedule 1(k)**

4.2.1 The applicant has indicated that the application is for an exemption under Schedule 1 paragraph (k)(ii).



- 4.2.2 I accept the tests in Schedule 1 paragraph (k)(i) and (ii) are separate tests, and will often apply in quite different circumstances. Paragraph (k)(i) is likely to apply to a potentially wide range of building work from simple, low risk building work, such as poles or aerials, through to complex, higher risk work such as towers, large signs, large retaining walls and bridges etc. Paragraph (k)(ii) is likely to apply to a narrower range of building work because the extent and use of the building will be unlikely to endanger people if the building work is carried out otherwise than in accordance with the Building Code. Of course, many of the types of building work potentially covered by paragraph (k)(ii) are already expressly set out in other paragraphs in Schedule 1.
- 4.2.3 The level of information required to support an application under paragraphs (k)(i) or (k)(ii) will vary according to the circumstances. Information provided in support of an exemption under paragraph (k)(i) for complex, high risk work may be more extensive than would be provided for a building consent, whereas simpler, lower risk work may be appropriately supported by considerably less information than would be required for a building consent.
- 4.2.4 I also note that in contrast to the other tests in Schedule 1 for exempt building work for which it is an owner's responsibility to determine whether building work fits within the scope of the exemptions, paragraph (k) requires the authority's consideration. In the event that the applicant does not stipulate that the exemption is to be considered under Schedule 1(k)(i) or (ii), I am of the view that an authority may determine whether paragraph (k)(i) or (k)(ii) best fits the proposed building work. It is therefore my view that the authority is entitled to ask for information, including plans, about the proposed building.
- 4.2.5 The Ministry's guidance (see paragraph 2.2.4) suggests that the following matters be taken into account when considering a Schedule 1(k) exemption:
- any substantial prior demonstration of competence in similar work
  - the complexity of the work relative to that competence
  - any independent quality assurance systems that will be applied.
- 4.2.6 A Schedule 1(k)(i) exemption may be considered for a range of building work, from simple to complex and from minor to major. There may be cases where an authority considers its involvement in the process for complex or major building work may not be necessary to ensure compliance with the Building Code because of the competence of the people carrying out the work and the quality assurance processes in place, both at design and construction stage. The applicant for an exemption may have a good track record of carrying out similar exempt work in compliance with the building code.

4.2.7 In respect of these factors and the submissions of the parties, I note the following:

Relevant factors	The applicant's proposal and submission	The authority's submission	My comments
<b>Prior experience</b>	The applicant has stated he is experienced in rural structures and pole frame buildings and was previously a 'registered engineer'.	No records of experience or qualifications were supplied for the engineer.	Insufficient information is provided to demonstrate substantial prior demonstration of competence in similar work in terms of design and construction. It is unclear who will carry out the building work.
<b>Complexity in relation to competence</b>	Simple construction comprises poles embedded in concrete, sawn timber rafters, purlins and girts, with corrugated iron roof walls. It has 3 bays, cladding to only 3 sides and an eaves height of 3.6m.	Agreed with comment in the determination that likely to be relatively simple construction	Insufficient information provided to the authority about the complexity, although it is likely to be relatively simple construction.
<b>Independent quality assurance</b>	-	No evidence of any independent quality assurance proposed.	There is insufficient information provided to the authority about the quality assurance. The owner is the designer and it is unclear whether the owner is also the builder.

4.2.8 I note the applicant has not sought an exemption under paragraph (k)(i) and therefore I have not considered the application of this paragraph further in this determination. I agree with the applicant's decision not to seek an exemption under paragraph (k)(i) as the applicant has clearly provided insufficient information for the authority to consider the application under that provision.

4.2.9 The Ministry's guidance also (see paragraph 2.2.4) suggests that the following matters be taken into account when considering the likelihood of endangerment under paragraph (k)(ii):

- the location of the building work
- the proximity of the work to boundaries and other buildings
- the level of risk to life and property.

4.2.10 In respect of these factors and the submissions of the parties, I note the following:

<b>Relevant factors</b>	<b>The applicant's proposal and submission</b>	<b>The authority's submission</b>	<b>My comments</b>
<b>Location of building</b>	Rural locality	Rural locality	Remote rural area surrounded by farmland.
<b>Proximity to boundaries/other buildings</b>	200m from nearest boundary  150m from nearest building  Information provided in a written description is as valid as a site plan.	No site plan supplied.	It is sufficient to provide a description of the locality, linked to an address and legal description of the land.
<b>Level of risk to life and property (importance level)</b>	Level 1 building - approximately 80m <sup>2</sup> farm outbuilding.  Used for storage of farm implements and bulk materials (e.g. supplementary feed). Very low human occupancy.	The importance level arises from the use of the building and the potential risk to farm employees.	I consider the building is an importance level 1 building but this category covers a potentially wide range of types of building.  The likely harm to persons will vary considerably according to the construction methods and materials used in the building work for the implement shed. Some basic information such as plans of the building work, elevations, typical sections; and critical member sizes and critical construction details, if any will be required by the authority in order to make a proper assessment of the likely endangerment to people.

4.2.11 I accept that the information provided by the applicant in respect of the first two matters, the location and proximity of the building, satisfies the information requirements of the authority in order to assess the exemption under paragraph (k)(ii).

4.2.12 I do not consider the information provided by the applicant adequately describes the work concerned to enable the authority to assess the likely endangerment to people if the building is built otherwise than in accordance with the Building Code and it subsequently fails.

- 4.2.13 The likely nature and extent of the harm that could be suffered by people in the event of a failure of the structure requires the basic information outlined above. I note that from the applicant's description it is apparent that the building is open to the outside along one side – a plan would confirm this. The building's occupants will readily be able to exit the building if necessary, and in my view it also effectively limits the use to which the building can be put: it is more likely to be used as an equipment and goods store or shelter, rather than as a 'maintenance workshop' as contended by the authority.
- 4.2.14 The applicant's initial advice described the building as 'pole frame implement shed of approximately 80m<sup>2</sup> floor area and cost \$10,000', in subsequent advice the applicant said the building 'comprised poles embedded in concrete, sawn timber rafters, purlins and girts, with corrugated iron roof and walls. It has 3 bays, and 3 sides enclosed with an eaves height of 3.6m.'
- 4.2.15 It is apparent that the applicant has a clear view of how the building is to be constructed and in my view it would be a reasonably simple matter to provide the documentation as described in the table in paragraph 4.2.10 (e.g. plan, elevations, typical sections; and critical member sizes and critical construction details, if any). However, it is important to note that I do not accept the authority's stated position that it requires the same level of information that would be required to support an application for building consent.

## **5. The decision**

- 5.1 In accordance with section 188 of the Building Act 2004, I hereby determine that there is insufficient information for the purposes of granting an exemption under Schedule 1 paragraph 1(k) from the requirement to obtain building consent for the proposed building, and accordingly I confirm the authority's decision to refuse to issue an exemption.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 2 April 2013.

John Gardiner  
**Manager Determinations and Assurance**

# Appendix A

## A.1 Relevant sections of the Act

### **17 All building work must comply with building code**

All building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of that building work.

### **41 Building consent not required in certain cases**

(1) Despite section 40, a building consent is not required in relation to—

- (a) ...
- (b) any building work described in Schedule 1; or
- ...

### **Schedule 1 Exempt building work**

1 A building consent is not required for the following building work:

- (k) any other building work in respect of which the territorial authority (or, as the case requires, the regional authority) considers that a building consent is not necessary for the purposes of this Act because that building work—
  - (i) is unlikely to be carried out otherwise than in accordance with the building code; or
  - (ii) if carried out otherwise than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property:

## A.2 Relevant section of AS/NZS 1107

### **AS/NZS 1170.0:2002 Structural design actions**

Part 0: General principles

Section 3 Annual probability of exceedance (for structures in New Zealand only)

#### **3.3 IMPORTANCE LEVELS**

The importance level of the structure shall be determined in accordance with its occupancy and use, as given in Tables 3.1 and 3.2. The Table describes, in general terms, five categories of structure and gives some examples of each. For those buildings not specifically mentioned, the designer will need to exercise judgement in assigning the appropriate level.

Structures that have multiple uses shall be assigned the highest importance level applicable for any of those uses. Where access to a structure is via another structure of a lower importance level, then the importance level of the access structure shall be designated the same as the structure itself.

**TABLE 3.1****CONSEQUENCES OF FAILURE FOR IMPORTANCE LEVELS**

Consequences of failure	Description	Importance level	Comment
Low	Low consequence for loss of human life, or small or moderate economic, social or environmental consequences	1	Minor structures (failure not likely to endanger human life)
Ordinary	Medium consequence for loss of human life, or considerable economic, social or environmental consequences	2	Normal structures and structures not falling into other levels
High	High consequence for loss of human life, or very great economic, social or environmental consequences	3	Major structures (affecting crowds)
		4	Post-disaster structures (post disaster functions or dangerous activities)
Exceptional	Circumstances where reliability must be set on a case by case basis	5	Exceptional structures

**TABLE 3.2****IMPORTANCE LEVELS FOR BUILDING TYPES—NEW ZEALAND STRUCTURES**

Importance level	Comment	Examples
1	Structures presenting a low degree of hazard to life and other property	Structures with a total floor area of <30 m <sup>2</sup> Farm buildings, isolated structures, towers in rural situations Fences, masts, walls, in-ground swimming pools
2	Normal structures and structures not in other importance levels	Buildings not included in Importance Levels 1, 3 or 4 Single family dwellings Car parking buildings
3	...	

## **AS/NZS 1170.0 Supplement 1:2002 Structural design actions**

### General principles—Commentary

The background of the importance levels is as follows:

(a) Importance level 1 is for structures that present a much lower than normal risk to life and property. Such structures will be minor, isolated, rarely contain people and not required as part of normal infrastructure. They are almost expendable.

(b) Importance level 2 covers most structures. This is the 'normal' level and is the default level into which most structures will fall. In the BCA, it includes domestic housing and structures intended to contain reasonable numbers of people under normal operations. Such structures are not designed to contain large numbers of people and activities in them should not be associated with post-disaster functions or hazardous substances. A number of industrial applications may fall into this category.